(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Division Bench

MISCELLANEOUS APPEAL NO. 578 / 2006

APPELLANTS : 1. Fagu, S/o Negraj Singh, aged about 27 years.

2. Smt. Parvati, W/o Fagu Gond, aged about 25 years.

Appellant no. 1 & 2 are R/O Chachrel Police Chowky Bhatgaon, P.S.- Bilaigarh, Distt.-Raipur (C.G.)

P.R. No. 940/06
Presented by Shri S.K. Gupta
dated 22/8/06

VERSUS

RESPONDENTS : 1.Mahaveer Prasad Agrawal, S/O J.R. Agrawal, aged about years. R/O Ambikapur Road, Patthalgaon, Thana _ Patthalgaon, Distt.- Jashpur (C.G.) (Truck Owner)

2. Surendra Mahant, S/O Kashiram Mahant, aged about 25 years. R/O Village- Patthalgaon, Thana – Patthalgaon, Dist. – Jashpur (C.G.) (Truck Driver)

3. The Oriental Insurance Company, Branch Office Itwari Bazar Raigarh, Distt. – Raigarh (C.G.)

4. Rath Ram, S/O Chhedilal Banjare, aged about 27 years, R/O Village Jhabadi, Thana – Kasdol, Distt.-Raipur (C.G.)
(Minibus Driver)

MISCELLANEOUS APPEAL UNDER SECTION 173 OF THE MOTOR VEHICLE ACT 1988.

(26)

HIGH COURT OF CHHATTISGARH; BILASPUR
(LOK ADALAT)

MISCELLANEOUS APPEAL No. 578 OF 2006

Appellants : Fagu & Another

Versus

Respondents: Mahaveer Prasad Agrawal & Others.

(Arising out of Claim Case No. 89 of 2005)

3-3-2007

Shri S.K. Guha, counsel for the appellants.

None for respondents No.1, 2 and 4.

Shri Yogesh Vithalani, Divisional Manager, Oriental Insurance Company Limited with Shri Prashant Jaiswal, counsel for respondent No.3.

In terms of compromise, award is passed as below:-

1) In addition to compensation already awarded by the Tribunal, respondent No.3 shall pay Rs.80,000/- (Rupees Eighty Thousand Only) to the appellants.
2) For disbursement and deposit in FDR, the Tribunal may pass appropriate orders.
3) The amount, if any, kept in deposit with Bank shall be payable under the orders of Tribunal in accordance with law.
4) Appellants shall be entitled to receive interest on the amount so deposited, if any.
5) In view of the above, appeal against respondents No.1, 2 & 4 stands dismissed.
6) Out of the above amount, Rs.800/- (Rupees Eight Hundred Only) shall be paid to counsel for the appellants directly by respondent No.3 towards counsel fee.
7) If the amount awarded is not deposited within a period of one month, the Insurance Company shall be liable to pay interest at the rate of 9% per annum thereafter.
8) Copy of the award shall be given to the parties free of cost.

Sd/-
Justice Vijay Kumar Shrivastava
High Court of Chhattisgarh
Bilaspur

Sd/-
Member – Lok Adalat
High Court of Chhattisgarh
Bilaspur

Gowri